

REMARKS

Favorable reconsideration of this application in light of preceding amendments and following remarks is respectfully requested by the USPTO.

Claims 1-14 are pending in the present application. Claims 1-12 are amended, and claims 13 and 14 are newly added. No claims are cancelled by this amendment. Claims 1, 3, 8, 10 and 11-14 are independent.

Applicants acknowledge with appreciation the Examiner's indication that the drawings filed July 8, 2003 have been accepted by the United States Patent and Trademark Office (USPTO) and a certified copy of the priority documents has been received.

Claim Rejections under 35 U.S.C. § 101

Claims 1-10 stand rejected under 35 U.S.C. § 101 as being directed to nonfunctional descriptive material stored on a recording medium and thus, non-statutory subject matter. Applicants respectfully traverse this rejection as detailed below.

The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between "nonfunctional descriptive material" and "functional descriptive material". In particular, MPEP § 2106.01 states the following:

In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicants respectfully submit that a “computer-readable medium having a data structure for managing video data recorded on the computer-readable medium,” as recited in independent claims 1, 3, 8 and 10, stores functional descriptive material.

MPEP §2106.01(I) further states, regarding functional descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” The computer readable medium recited in independent claims 1, 3, 8 and 10 include a data structure having a data area and a management area, which provides management information. Independent claims 1, 3, 8 and 10 recites “the management information including an information file associated with each clip file providing a map for the associated clip file, each map mapping presentation time information to address information for the associated clip file.” Accordingly, amended independent claims 1, 3, 8 and 10 are clearly directed towards patentable, statutory subject matter.

In light of the above, Applicants respectfully request that the rejection of independent claims 1, 3, 8 and 10, as well as claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 2, 3, 4, 6, 7, 8, 10, 11 and 12 stand rejected under 35 U.S.C. § 102(b) as anticipated by Okada et al. (U.S. Patent No. 6,181,870, herein Okada). Applicants respectfully traverse this rejection as detailed below.

Initially, Applicants respectfully note that Okada is directed to an optical disc having an area storing original and user chain information specifying at least part of a video object stored on the disc. In particular, the methods and optical disc disclosed in Okada relate to a DVD.

Applicants submit the DVD data structure described in Okada at least fails to disclose, teach or suggest the “management information for managing reproduction of the stream, the management information including an information file associated with each clip file providing a map for the associated clip file, each map mapping presentation time information to address information for the associated clip file,” recited in independent claim 1, or the somewhat similar features of independent claims 1, 3, 8, 10, 11 and 12.

Therefore, Applicants respectfully request that the rejection of independent claims 1, 3, 8, 10, 11 and 12, as well as claims depending therefrom, under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claim 9:

Claim 9 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Okada in view of Yoo et al. (U.S. Publication No. 2002/0150392, herein Yoo). Applicants respectfully submit that Yoo fails to cure the deficiencies of Okada discussed above with respect to independent claim 8, from which claim 9 depends. As such, Applicants submit claim 9 is allowable over the combination of Okada and Yoo for at least the same reasons that amended claim 8 is allowable over Okada.

Claim 5:

Claim 5 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Okada in view of the Examiner’s Official Notice of a recording area of 2048 bytes. Even assuming the Examiner’s Official Notice is proper, which Applicants do not admit, Applicants respectfully request this rejection be withdrawn because Okada fails to disclose, teach or suggest at least the “management information for managing reproduction of the stream, the management information including an information file associated with each clip file providing a map for the

associated clip file, each map mapping presentation time information to address information for the associated clip file,” as recited in claim 3. As such, claim 5 is allowable over Okada for at least the same reasons as claim 3 from which claim 5 depends.

New Claims

Applicants note new claims 13 and 14 include features somewhat similar to independent claim 1 and thus, submit that claims 13 and 14 are allowable for the same reasons as claim 1 discussed above.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of this application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$1020 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By:  55,149
Terry L. Clark, Reg. No. 32,644

Scott A. Elchert, Reg. No. 55,149

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

TLC/SAE/ame